

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 2:23-cr-001
)	
RAY ANTHONY MCSWAIN,)	By: Michael F. Urbanski
)	Chief United States District Judge
Defendant.)	

ORDER

This matter was referred to the Honorable Pamela Meade Sargent, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(3), for the purpose of conducting a plea hearing and a plea colloquy under Rule 11 of the Federal Rules of Criminal Procedure and preparing proposed findings of fact and a recommendation as to the acceptance of such plea as tendered. The Magistrate Judge filed a Report and Recommendation on January 5, 2024, recommending that defendant's plea of guilty be accepted. ECF No. 311. No objections to the Report and Recommendation have been filed.

Following review, the court **ADOPTS** factual findings 1 through 4 and the recommendation on page 7 of the Report and Recommendation. The court accepts defendant's guilty plea to a lesser included offense of Count Two of the Indictment. However, because defendant's Plea Agreement is subject to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the Plea Agreement is **TAKEN UNDER ADVISEMENT** until completion of the Presentence Report and sentencing.

The Clerk is directed to send a certified copy of this Order to all counsel of record.

It is **SO ORDERED**.

Entered: January 24, 2024

A handwritten signature in blue ink, appearing to read 'M. Urbanski', followed by a long horizontal flourish.

Michael F. Urbanski
Chief United States District Judge